



**QUALCOMM Incorporated**

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January 25, 2005

**Via ECFS**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: Oral Ex Parte Presentation in WT Docket No. 05-7**

Dear Ms. Dortch:

On behalf of QUALCOMM Incorporated ("QUALCOMM"), this is to report that yesterday, Chris Davey, Vice President, Sales, and I met with Sam Feder, Legal Advisor to Commissioner Kevin Martin. During the course of the meeting, I explained that QUALCOMM, through a subsidiary named MediaFLO™ USA Inc., is launching the MediaFLO™ service, a nationwide "mediacast" network that uses the forward link only to deliver many channels of high quality video and audio content, as well as innovative mobile data applications, to third generation mobile phones at mass market prices on Channel 55, the Lower 700 MHz spectrum for which QUALCOMM holds licenses covering the entire nation. I further explained that while it is clear that under the Commission's rules, QUALCOMM can launch MediaFLO in a number of markets, there is a subset of markets in which there is a TV or DTV station on Channel 54 or 56 or on Channel 55 in an adjacent market, and, under the Commission's rules, in order to launch MediaFLO in these markets, QUALCOMM will have to submit an engineering study.

I pointed out that it is not clear under the Commission's rules whether QUALCOMM may rely on the OET-69 methodology to show that MediaFLO will not cause excessive interference to the TV/DTV stations, what the appropriate level is for de minimis interference in evaluating QUALCOMM's engineering studies, and whether the Commission can use streamlined processing for QUALCOMM's engineering studies. As a result, QUALCOMM has filed a petition for declaratory ruling, which has been placed in the above-referenced docket, to seek a definitive ruling on these issues. I told Mr. Feder that it was very important to QUALCOMM's ability to launch the highly beneficial MediaFLO service as quickly as possible and to as big of a footprint as possible for the Commission to grant QUALCOMM's petition and to do so expeditiously.

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner  
Senior Director, Government Affairs  
QUALCOMM Incorporated

Cc: Sam Feder